

**U.S. District Court
Eastern District of Virginia – (Alexandria)
CIVIL DOCKET FOR CASE #: 1:09-cv-00287-GBL-TRJ**

Juniper Networks, Inc. v. Graphon Corporation et al
Assigned to: District Judge Gerald Bruce Lee
Referred to: Magistrate Judge Thomas Rawles Jones, Jr
Cause: 35:281 Patent Infringement

Date Filed: 03/16/2009
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Juniper Networks, Inc.

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Defendant

Graphon Corporation

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Defendant

Vertical Marketing, Inc.

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ATTORNEY TO BE NOTICED

Robert Armistead Angle
 (See above for address)
ATTORNEY TO BE NOTICED

ThirdParty Plaintiff

Graphon Corporation

represented by **Dabney Jefferson Carr, IV**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Armistead Angle
 (See above for address)
ATTORNEY TO BE NOTICED

V.

ThirdParty Defendant

Juniper Networks (US), Inc.

Counter Claimant

Graphon Corporation

represented by **Dabney Jefferson Carr, IV**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Armistead Angle
 (See above for address)
ATTORNEY TO BE NOTICED

Counter Defendant

Juniper Networks, Inc.

represented by **Coke Morgan Stewart**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roy William Sigler
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/16/2009	<u>1</u>	COMPLAINT against Graphon Corporation, Vertical Marketing, Inc. filed by Juniper Networks, Inc. (Filing fee \$ 350.00 receipt number 14683004590). (Attachments: # <u>1</u> Cover Sheet, # <u>2</u> Exhibit A, # <u>3</u> Receipt)(pmil) (Entered: 03/17/2009)

03/16/2009	<u>12</u>	Report on the filing or determination of an action regarding patent and/or trademark(s) 6,243,752. (pmil) (Entered: 03/17/2009)
03/16/2009	<u>13</u>	Financial Interest Disclosure Statement (Local Rule 7.1) by Juniper Networks, Inc. (pmil) (Entered: 03/17/2009)
03/16/2009	<u>14</u>	Summons Issued for service by SPS as to Graphon Corporation, Vertical Marketing, Inc. (pmil) (Entered: 03/17/2009)
03/18/2009	<u>15</u>	ORDER for Pro hac vice of Kevin Jakel; Filing fee \$ 50.00, receipt number 14683004593. Signed by District Judge Gerald Bruce Lee on 03/18/09. (Attachments: # <u>1</u> Receipt)(pmil) (Entered: 03/19/2009)
03/18/2009	<u>16</u>	ORDER for Pro hac vice of Alan Michael Fisch; Filing fee \$ 50.00, receipt number 14683004592. Signed by District Judge Gerald Bruce Lee on 03/18/09. (Attachments: # <u>1</u> Receipt)(pmil) (Entered: 03/19/2009)
03/18/2009	<u>17</u>	ORDER for Pro hac vice of Jason Foster Hoffman; Filing fee \$ 50.00, receipt number 14683004591. Signed by District Judge Gerald Bruce Lee on 03/18/09. (Attachments: # <u>1</u> Receipt)(pmil) (Entered: 03/19/2009)
03/20/2009	<u>18</u>	SUMMONS Returned Executed as to Vertical Marketing, Inc.; served on 3/16/2009, answer due 4/6/2009 (pmil) (Entered: 03/20/2009)
04/02/2009	<u>19</u>	SUMMONS Returned Executed as to Graphon Corporation; served on 3/25/2009, answer due 4/14/2009 (pmil) (Entered: 04/02/2009)
04/13/2009	<u>10</u>	Consent MOTION for Extension of Time to File Answer by Graphon Corporation. (Attachments: # <u>1</u> Proposed Order)(Angle, Robert) (Entered: 04/13/2009)
04/13/2009	<u>11</u>	Consent MOTION for Extension of Time to File Answer by Vertical Marketing, Inc.. (Angle, Robert) (Entered: 04/13/2009)
04/13/2009	<u>12</u>	Memorandum in Support re <u>11</u> Consent MOTION for Extension of Time to File Answer filed by Vertical Marketing, Inc.. (Attachments: # <u>1</u> Proposed Order)(Angle, Robert) (Entered: 04/13/2009)
04/13/2009	<u>13</u>	CONSENT ORDER GRANTING <u>11</u> Motion for Extension of Time to File Pleadings in Response to the Complaint and extends the deadline for Deft Vertical Marketing, Inc. to file responsive pleadings to the Complaint up to and including 5/1/2009. This relief will not delay issuance of a scheduling order. Signed by Magistrate Judge Thomas Rawles Jones, Jr on 04/13/09. (pmil) (Entered: 04/13/2009)
04/13/2009	<u>14</u>	CONSENT ORDER GRANTING <u>10</u> Motion for Extension of Time to File Pleadings in Response to the Complaint and extends the deadline for Deft GraphOn Corporation to file responsive pleadings to the Complaint to and including 5/1/2009. This relief will not delay issuance of a scheduling order. Signed by Magistrate Judge Thomas Rawles Jones, Jr on 04/13/09. (pmil) (Entered: 04/13/2009)
04/15/2009	<u>15</u>	NOTICE of Appearance by Coke Morgan Stewart on behalf of Juniper Networks, Inc. (Stewart, Coke) (Entered: 04/15/2009)
04/30/2009	<u>16</u>	ORDER for Pro hac vice of David P. Germaine; Filing fee \$ 50.00, receipt number 14683005576. Signed by District Judge Gerald Bruce Lee on 04/30/09. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Receipt)(pmil) (Entered: 05/01/2009)
04/30/2009	<u>17</u>	ORDER for Pro hac vice of Jeffrey R. Moran; Filing fee \$ 50.00, receipt number 14683005576. Signed by District Judge Gerald Bruce Lee on 04/30/09. (Attachments: # <u>1</u> Cover Letter, # <u>2</u>

		Receipt)(pmil) (Entered: 05/01/2009)
04/30/2009	<u>18</u>	ORDER for Pro hac vice of Thomas A. Vickers; Filing fee \$ 50.00, receipt number 14683005576. Signed by District Judge Gerald Bruce Lee on 04/30/09. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Receipt)(pmil) (Entered: 05/01/2009)
04/30/2009	<u>19</u>	ORDER for Pro hac vice of Joseph M. Vanek; Filing fee \$ 50.00, receipt number 14683005576. Signed by District Judge Gerald Bruce Lee on 04/30/09. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Receipt)(pmil) (Entered: 05/01/2009)
05/01/2009	<u>20</u>	ANSWER to <u>1</u> Complaint with Jury Demand by Graphon Corporation, Vertical Marketing, Inc. THIRD PARTY COMPLAINT against Juniper Networks (US), Inc. by Graphon Corporation; COUNTERCLAIM against Juniper Networks, Inc. by Graphon Corporation (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Carr, Dabney) Modified on 5/5/2009 to edit text to reflect correct counterclaimant and third-party pltfs' – Vertical Marketing, Inc. not included within those claims (pmil). (Entered: 05/01/2009)
05/01/2009	<u>21</u>	Financial Interest Disclosure Statement (Local Rule 7.1) by Graphon Corporation. (Carr, Dabney) (Entered: 05/01/2009)
05/01/2009	<u>22</u>	Financial Interest Disclosure Statement (Local Rule 7.1) by Vertical Marketing, Inc.. (Carr, Dabney) (Entered: 05/01/2009)
05/05/2009	<u>23</u>	THIRD-PARTY COMPLAINT Summons Issued for service by SPS as to Juniper Networks (US), Inc. (Attachments: # <u>1</u> Cover Letter)(pmil) (Entered: 05/05/2009)
05/18/2009	<u>24</u>	SCHEDULING ORDER: Initial Pretrial Conference set for 6/10/2009 at 10:00 AM before Magistrate Judge Thomas Rawles Jones Jr. Final Pretrial Conference set for 11/19/2009 at 10:00 AM before District Judge Gerald Bruce Lee. Discovery due by 11/13/2009. Signed by District Judge Gerald Bruce Lee on 05/18/09. (Attachments: # <u>1</u> Pretrial Notice, # <u>2</u> Magistrate Consent Form)(pmil) (Entered: 05/18/2009)
05/19/2009	<u>25</u>	ORDER for Pro hac vice of Melissa Pagni Barnard; Filing fee \$ 50.00, receipt number 14683005781. Signed by District Judge Gerald Bruce Lee on 05/19/09. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Receipt)(pmil) (Entered: 05/20/2009)
05/19/2009	<u>26</u>	ORDER for Pro hac vice of Michael Dudley Rounds; Filing fee \$ 50.00, receipt number 14683005780. Signed by District Judge Gerald Bruce Lee on 05/19/09. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Receipt)(pmil) (Entered: 05/20/2009)
05/22/2009	<u>27</u>	MOTION to Sever and Transfer Defendant GraphOn Corporation's Infringement Counterclaim by Juniper Networks, Inc.. (Stewart, Coke) (Entered: 05/22/2009)
05/22/2009	<u>28</u>	Memorandum in Support re <u>27</u> MOTION to Sever and Transfer Defendant GraphOn Corporation's Infringement Counterclaim filed by Juniper Networks, Inc.. (Attachments: # <u>1</u> Exhibit 1 – Declaration of R. William Sigler, # <u>2</u> Exhibit A to Exhibit 1 – Texas Complaint, # <u>3</u> Exhibit B to Exhibit 1 – Texas Docket Control Order, # <u>4</u> Exhibit C to Exhibit 1 – May 13, 2009 Email from J. Moran to A. Fisch, # <u>5</u> Exhibit D to Exhibit 1 – Texas Answer, # <u>6</u> Proposed Order)(Stewart, Coke) (Entered: 05/22/2009)
05/22/2009	<u>29</u>	Notice of Hearing Date set for May 29, 2009 re <u>27</u> MOTION to Sever and Transfer Defendant GraphOn Corporation's Infringement Counterclaim (Stewart, Coke) (Entered: 05/22/2009)
05/26/2009	<u>I</u>	Set Deadlines as to <u>27</u> MOTION to Sever and Transfer Defendant GraphOn Corporation's Infringement Counterclaim. Motion Hearing set for 5/29/2009 at 10:00 AM before District Judge Gerald Bruce Lee. (clar,) (Entered: 05/26/2009)
05/26/2009	<u>I</u>	

Per GBL chambers motions set for 5/29/09 are to be re-noticed GBL not hearing motions on 5/29/09 (clar,) (Entered: 05/26/2009)

05/26/2009	<u>30</u>	ANSWER to Counterclaim re <u>20</u> Answer to Complaint, Third Party Complaint, Counterclaim,, -- <i>JUNIPER NETWORKS, INC.'S ANSWER TO GRAPHON CORPORATION'S COUNTERCLAIMS</i> by Juniper Networks, Inc.. (Stewart, Coke) (Entered: 05/26/2009)
05/29/2009	<u>31</u>	MOTION for Protective Order <i>and Confidentiality Stipulation</i> by Graphon Corporation. (Angle, Robert) (Entered: 05/29/2009)
05/29/2009	<u>32</u>	Memorandum in Support re <u>31</u> MOTION for Protective Order <i>and Confidentiality Stipulation</i> filed by Graphon Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Proposed Order Confidentiality Stipulation and Protective Order)(Angle, Robert) (Entered: 05/29/2009)
05/29/2009	<u>33</u>	Notice of Hearing Date set for June 5, 2009 at 10:00 a.m. re <u>31</u> MOTION for Protective Order <i>and Confidentiality Stipulation</i> (Angle, Robert) (Entered: 05/29/2009)
06/01/2009	<u>34</u>	Notice of Hearing Date <i>JUNIPER NETWORKS, INC.'S AMENDED NOTICE OF HEARING FOR ITS MOTION TO SEVER AND TRANSFER DEFENDANT GRAPHON CORPORATION'S INFRINGEMENT COUNTERCLAIM</i> re <u>27</u> MOTION to Sever <i>and Transfer Defendant GraphOn Corporation's Infringement Counterclaim</i> (Stewart, Coke) (Entered: 06/01/2009)
06/01/2009	<u>35</u>	Set Deadlines as to <u>31</u> MOTION for Protective Order <i>and Confidentiality Stipulation</i> . Motion Hearing set for 6/5/2009 at 10:00 AM before Magistrate Judge Thomas Rawles Jones Jr. (clar,) (Entered: 06/01/2009)
06/01/2009	<u>36</u>	MOTIONS REFERRED to Magistrate Judge: Jones. <u>31</u> MOTION for Protective Order <i>and Confidentiality Stipulation</i> (clar,) (Entered: 06/01/2009)
06/01/2009	<u>37</u>	ANSWER to Counterclaim re <u>20</u> Answer to Complaint, Third Party Complaint, Counterclaim,, <i>JUNIPER NETWORKS (US), INC.'S ANSWER TO GRAPHON CORPORATION'S COUNTERCLAIMS</i> by Juniper Networks (US), Inc.. (Stewart, Coke) (Entered: 06/01/2009)
06/01/2009	<u>38</u>	MOTION to Continue <i>Hearing Date for GraphOn Corporation's Motion for Entry of Confidentiality Stipulation and Protective Order, and Motion for Expedited Treatment</i> by Juniper Networks, Inc.. (Attachments: # <u>1</u> Proposed Order)(Stewart, Coke) (Entered: 06/01/2009)
06/01/2009	<u>39</u>	Memorandum in Support re <u>38</u> MOTION to Continue <i>Hearing Date for GraphOn Corporation's Motion for Entry of Confidentiality Stipulation and Protective Order, and Motion for Expedited Treatment</i> filed by Juniper Networks, Inc.. (Stewart, Coke) (Entered: 06/01/2009)
06/02/2009	<u>40</u>	Reset Deadlines as to <u>27</u> MOTION to Sever <i>and Transfer Defendant GraphOn Corporation's Infringement Counterclaim</i> . Motion Hearing set for 6/18/2009 at 10:00 AM before District Judge Gerald Bruce Lee. (clar,) (Entered: 06/02/2009)
06/02/2009	<u>41</u>	NOTICE by Juniper Networks, Inc. re <u>38</u> MOTION to Continue <i>Hearing Date for GraphOn Corporation's Motion for Entry of Confidentiality Stipulation and Protective Order, and Motion for Expedited Treatment</i> (Stewart, Coke) (Entered: 06/02/2009)
06/02/2009	<u>42</u>	Memorandum in Opposition re <u>38</u> MOTION to Continue <i>Hearing Date for GraphOn Corporation's Motion for Entry of Confidentiality Stipulation and Protective Order, and Motion for Expedited Treatment</i> filed by Graphon Corporation. (Attachments: # <u>1</u> Exhibit A)(Angle, Robert) (Entered: 06/02/2009)
06/02/2009	<u>43</u>	Memorandum in Opposition re <u>27</u> MOTION to Sever <i>and Transfer Defendant GraphOn Corporation's Infringement Counterclaim</i> filed by Graphon Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Angle, Robert) (Entered: 06/02/2009)

06/03/2009	<u>41</u>	ORDER that the <u>36</u> Motion to Continue is unwarranted and the motion is accordingly DENIED. Signed by Magistrate Judge Thomas Rawles Jones, Jr. on 06/03/09. (pmil) (Entered: 06/03/2009)
06/03/2009	<u>42</u>	Discovery Plan by Juniper Networks, Inc., Graphon Corporation, Vertical Marketing, Inc., Juniper Networks (US), Inc..(Stewart, Coke) (Entered: 06/03/2009)
06/03/2009	<u>43</u>	Opposition to <u>31</u> MOTION for Protective Order <i>and Confidentiality Stipulation</i> filed by Juniper Networks, Inc.. (Attachments: # <u>1</u> Exhibit 1 – Juniper's Proposed Protective Order, # <u>2</u> Exhibit 2 – Juniper's Proposed Protective Order with Disputed Terms, # <u>3</u> Exhibit 3 – Decl. of M. Kouri, # <u>4</u> Exhibit 4 – May 27, 2009 Email from J. Moran to C. Stewart, # <u>5</u> Exhibit 5 – May 28, 2009 Email from B. Sigler to GraphOn's Counsel)(Stewart, Coke) (Entered: 06/03/2009)
06/04/2009	<u>44</u>	Memorandum <i>JUNIPER NETWORKS, INC. AND JUNIPER NETWORKS (US), INC.'S MEMORANDUM IN SUPPORT OF THEIR PROPOSED DISCOVERY PLAN</i> to <u>42</u> Discovery Plan filed by Juniper Networks, Inc., Juniper Networks (US), Inc.. (Stewart, Coke) (Entered: 06/04/2009)
06/04/2009	<u>45</u>	Memorandum <i>in Support of GraphOn's Positions re: Joint Discovery Plan</i> filed by Graphon Corporation, Vertical Marketing, Inc.. (Attachments: # <u>1</u> Exhibit 1– GraphOn's Proposed Discovery Plan)(Carr, Dabney) (Entered: 06/04/2009)
06/04/2009	<u>45</u>	Notice of Correction: re: <u>42</u> Discovery Plan. The filing user has been notified that the attachment, Exhibit A, was erroneously combined with the main document. (pmil) (Entered: 06/04/2009)
06/04/2009	<u>45</u>	Notice of Correction: re: <u>45</u> Memorandum. The signature block on the document does not match the filing users login. The filing user has been notified and has been asked to either refile the document or to have the attorney whose signature block appears on the document refile the document. (pmil) (Entered: 06/04/2009)
06/05/2009	<u>46</u>	Memorandum <i>in Support of GraphOn's Positions re: Joint Discovery Plan (CORRECTED)</i> filed by Graphon Corporation, Vertical Marketing, Inc.. (Attachments: # <u>1</u> Exhibit 1– GraphOn's Proposed Discovery Plan)(Carr, Dabney) (Entered: 06/05/2009)
06/05/2009	<u>47</u>	Minute Entry for proceedings held before Magistrate Judge Thomas Rawles Jones, Jr: Motion Hearing held on 6/5/2009 re <u>31</u> MOTION for Protective Order <i>and Confidentiality Stipulation</i> filed by Graphon Corporation. Appearance of counsel. Motion argued and taken under advisement. (Tape #FTR.) (cmar,) (Entered: 06/05/2009)
06/08/2009	<u>48</u>	TRANSCRIPT of Proceedings held on 6/5/2009, before Mag. Judge Jones. Court Reporter/Transcriber Norman Linnell, Telephone number 7035494626. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/8/2009. Redacted Transcript Deadline set for 8/10/2009. Release of Transcript Restriction set for 9/8/2009.(linnell, norman) (pmil,). (pmil,). (Entered: 06/08/2009)
06/09/2009	<u>48</u>	Notice of Correction: re: <u>48</u> Transcript. The Court Reporter has been notified to re–file the transcript with a signature. (pmil) (Entered: 06/10/2009)
06/10/2009	<u>49</u>	Minute Entry for proceedings held before Magistrate Judge Thomas Rawles Jones, Jr: Initial Pretrial Conference held on 6/10/2009. Appearance of counsel. Protective order issues resolved – revised version to be submitted this afternoon. Counsel to confer on dates in the discovery plan. Order to issue. (cmar,) (Entered: 06/10/2009)
06/10/2009	<u>50</u>	Notice of Filing of Official Transcript: re: <u>48</u> Transcript. (pmil) (Entered: 06/10/2009)
06/10/2009	<u>51</u>	CONFIDENTIALITY STIPULATION AND PROTECTIVE ORDER re: the handling and labeling of confidential documents re: discovery. Signed by Magistrate Judge Thomas Rawles Jones, Jr. on 06/10/09. (pmil) (Entered: 06/10/2009)

06/10/2009	<u>52</u>	Rebuttal Brief re <u>27</u> MOTION to Sever and Transfer Defendant GraphOn Corporation's Infringement Counterclaim filed by Juniper Networks, Inc.. (Attachments: # <u>1</u> Exhibit 2 – GraphOn's Supplemental Brief, # <u>2</u> Exhibit 3 – Counterclaim Patent Cover Pages, # <u>3</u> Exhibit 4 – '336 Patent Correction Papers, # <u>4</u> Exhibit 5 – GraphOn Press Release)(Stewart, Coke) (Entered: 06/10/2009)
06/12/2009	<u>53</u>	AMENDED Discovery Plan by Juniper Networks, Inc., Graphon Corporation, Vertical Marketing, Inc., Juniper Networks (US), Inc.(Attachments: # <u>1</u> Exhibit A)(Stewart, Coke) Modified on 6/15/2009 to add text (pmil). (Entered: 06/12/2009)
06/15/2009	<u>54</u>	Rule 16(b) Scheduling Order – Pursuant to the Rule 16(b) Conference it is ordered that the Amended Joint Discovery plan filed by the parties is approved and shall control discovery to the extent of its application unless modified by the court; Rule 26(a) disclosures, depositions, interrogatories, requests for documents and admissions, and answers thereto shall not be filed except on order of the court, or for use in a motion or at trial; Paper copies of all nondispositive motions and memoranda in support and opposition shall be delivered to the magistrate judges chambers no later than the next businessday after electronic filing. (see Order for details) Signed by Magistrate Judge Thomas Rawles Jones, Jr. on 06/15/09. (pmil) (Entered: 06/15/2009)
06/18/2009	<u>55</u>	Minute Entry for proceedings held before District Judge Gerald Bruce Lee: Motion Hearing held on 6/18/2009 re: <u>27</u> MOTION to Sever and Transfer Defendant GraphOn Corporation's Infringement Counterclaim filed by Juniper Networks, Inc. Appearances: Alan Fisch, Ms. Coke Stewart, and Roy Sigler for Pltff; Dabney Carr and Jeffrey Moran for Defts. Heard, findings stated, and granted. Court will sever the counterclaim and transfer to Texas. Order to follow. (Court Reporter Julie Goodwin.) (tbul,) (Entered: 06/18/2009)
06/23/2009	<u>56</u>	ORDER for Pro hac vice of Elisabeth Virginia Bechtold; Filing fee \$ 50.00, receipt number 14683006714. Signed by District Judge Gerald Bruce Lee on 06/23/09. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Receipt)(pmil) (Entered: 06/23/2009)
06/24/2009	<u>57</u>	ORDER granting <u>27</u> MOTION to Sever and Transfer Defendant GraphOn Corporation's Infringement Counterclaim. ORDERED because the Third Counterclaim is peripheral to this case, and Graphon is already litigating virtually indistinguishable claims against Juniper in the EDTX, the third counterclaim is transferred to the EDTX. Signed by District Judge Gerald Bruce Lee on 6/24/2009. (rban,) (Entered: 06/26/2009)
06/26/2009	<u>58</u>	Claim 3 of counterclaim transferred electronically to the USDC EDTX.(rban,) (Entered: 06/26/2009)